

EXHIBIT 21

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GOOGLE LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO

ANIBAL RODRIGUEZ AND JULIE ANNA
MUNIZ, individually and on behalf of all other
similarly situated,

Plaintiff,

vs.

GOOGLE LLC, *et al.*,

Defendant.

Case No. 3:20-CV-04688

**DEFENDANT GOOGLE LLC'S
SUPPLEMENTAL OBJECTIONS AND
RESPONSES TO PLAINTIFFS'
INTERROGATORIES, SET SIX (NOS. 12,
16, & 17)**

Judge: Hon. Richard Seeborg

Courtroom: 3, 17th Floor

Action Filed: July 14, 2020

PROPOUNDING PARTY: PLAINTIFFS ANIBAL RODRIGUEZ AND JULIEANNA MUNIZ

RESPONDING PARTY: DEFENDANT GOOGLE LLC

SET NO.: SIX

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1 substance of their allegations in this case. They subsequently willingly engaged with the very apps
 2 they alleged were working a violation of their privacy. Plaintiff Rodriguez lacks standing because
 3 he only had his WAA control off for seven days during the proposed class period, and during
 4 those ten days, he had his GAP control turned on, which means that he could not have received
 5 any personalized advertising using WAA-off data. Further, he confirmed in testimony that he
 6 would not have changed his behavior in a but-for world because, after making his allegations in
 7 this case, he did not change any of his behavior, and instead willingly submitted to the alleged
 8 violations of privacy. And Plaintiff Harvey admitted during her deposition that she did not turn
 9 WAA on or off for any particular reason, and that she has not changed her behavior since filing
 10 this case despite the alleged violations of privacy. Finally, both Plaintiff Rodriguez and Plaintiff
 11 Harvey refused to testify when given the opportunity to do so that, if the Court rules Google’s
 12 practices are lawful, they would change any of their behavior to avoid the alleged violations of
 13 privacy.

INTERROGATORY NO. 17:

15 Please DESCRIBE all facts concerning the revenue and profits that GOOGLE generates or
 16 receives related to the collection, storage, or use of WAA OFF DATA including for each year during
 17 the CLASS PERIOD:

- 18 a. The amount of those revenue and profits by year and month
- 19 b. How those revenue and profits are and have been generated;
- 20 c. GOOGLE’s total revenue and profits related to GOOGLE Analytics;
- 21 d. What percentage of the revenue and profits reported in response to subparagraph (c)
- 22 were generated based on WAA OFF DATA;
- 23 e. Google’s total revenue and profits related to AdMob;
- 24 f. What percentage of the revenue and profits reported in response to subparagraph (e)
- 25 were generated based on WAA OFF DATA;
- 26
- 27
- 28

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1 g. How said revenue and profits are and have been accounted for within or attributed to
2 the profit and costs centers of GOOGLE, specifying any GOOGLE products, services, teams, and
3 accounting units;

4 h. The amount of said revenue and profits attributed to the profit and costs centers of
5 GOOGLE, specifying any GOOGLE products, services, teams, and accounting units, described by
6 year and month; and

7 i. The amount of those revenues broken down by region, including for the United States
8 and California

9 j. An IDENTIFICATION of all documents relied on in responding to this Interrogatory.

10 **RESPONSE TO INTERROGATORY NO. 17:**

11 Google objects to this Interrogatory as compound. Google objects to this Interrogatory as
12 vague and ambiguous as to several undefined terms and phrases susceptible to multiple meanings.
13 For purposes of this response, Google construes “Google” to mean Google LLC and “WAA” to
14 mean the account-level setting called Web & App Activity. Google additionally objects to this
15 Interrogatory as vague, ambiguous, and confusing as to the use of THE undefined phrases
16 “generates or receives,” “collection, storage, or use,” “generated,” “accounted for within,”
17 “attributed to,” “profit and costs center,” and “relied on.”

18 Google further objects to this Interrogatory as overbroad, unduly burdensome, and abusive
19 to the extent it seeks revenue and profits, without limitation to revenue attributed to data sent to
20 Google by third-party app developers after collection, if any, through GA for Firebase, Cloud
21 Messaging, or AdMob—i.e. concerning Plaintiff’s theory of wrongdoing in the Third Amended
22 Complaint.

23 Google further objects to this Interrogatory as overbroad and unduly burdensome to the
24 extent Google does not track its revenues or profits as connected to the collection, storage, or use
25 of “WAA OFF DATA,” as defined by Plaintiffs. Google also objects to this Interrogatory as
26 overbroad and unduly burdensome to the extent Google does not track revenues or profits for
27 Google Analytics or AdMob.

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Google further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product doctrine.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 17:

Subject to and without waiving the foregoing, Google responds further as follows:

Google Analytics for Firebase (GA4F) app measurement data does not directly generate revenue for Google. The product itself operates at a significant net loss. However, GA4F helps Google’s revenue-generating functions because it leads to a “virtuous cycle” in the parlance of the GA4F team that helps developers make their apps perform better, which in turn leads to increased user engagement, which in turn leads to app developers investing more in their apps and into advertising their apps.

There are also advertising functions supported by GA4F more directly, though its principal function in this support role is to maintain the trust of app developers and advertisers in the monitoring tools they use and the ad targeting functions and conversion tracking functions they seek.

Where advertising is discussed below, it is in reference to App Campaigns, which are ad campaigns advertisers who have GA4F enabled in their apps will run to drive installs or re-engagement with their apps. See https://support.google.com/google-ads/topic/10011871?hl=en&ref_topic=10287124,3181080,3126923. Further, Google interprets this interrogatory to exclude signed-out users.

First, when a user has sWAA on, as well as GAP, and does not have LAT or OOOAP enabled, and the developer has enabled Google Signals and linked their GA4F property to Google Ads, and the user is considered neither a Unicorn (under 13) or a Dasher account (enterprise), app measurement data from GA4F can be written to a GAIA-tied user store at Google called [REDACTED], which can subsequently be used for interest-based advertising, depending on the user’s privacy settings at the time of ad serving (*i.e.*, if they have GAP on and have not enabled LAT or OOOAP). Google understands this revenue stream to be outside the scope of this case, because it depends on the user having sWAA on at the time the app measurement data was generated.

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1 Google does not use app measurement data generated while a user is signed in and has sWAA off
2 (which is necessarily off when WAA is off) for personalized advertising (i.e., interest-based
3 advertising).

4 **Second**, when a GA4F developer has linked their Analytics property to a Google Ads
5 account, that enables conversion tracking under appropriate circumstances. *See, e.g.,*
6 <https://support.google.com/google-ads/answer/1722054>. On Android, GA4F conversions are
7 registered using the pseudonymous identifier ADID; they could also be registered using GAIA if
8 the user has sWAA turned on as well as other privacy settings configured properly (GAP on, NAC
9 on, LAT off) and if the developer has enabled Google Signals. On iOS, GA4F registers
10 conversions using the pseudonymous identifier IDFA. If the iOS IDFA is zeroed out because the
11 user has enabled LAT or clicked “Don’t Allow” on the App Tracking Transparency prompt,
12 GA4F would be unable to directly associate app-install conversions with ad impressions and
13 clicks which drove them. Regardless, no data in this scenario would be written to [REDACTED] or used
14 for personalized advertising. App developers can also use third parties to track conversions, such
15 as AppsFlyer and Kochava. *See* [https://support.google.com/google-](https://support.google.com/google-ads/answer/9260620?hl=en&ref_topic=11069497)
16 [ads/answer/9260620?hl=en&ref_topic=11069497](https://support.google.com/google-ads/answer/9260620?hl=en&ref_topic=11069497).

17 Separately, ad interactions with Google-served ads are recorded by the appropriate ad
18 stack using pseudonymous identifiers such as device ID and ad event id when available.

19 In a process called attribution, Google serves as an accountant for the app
20 developer/advertiser, determining if the ad interaction and the conversion recorded by GA4F or by
21 a third party SDK were made by the same device or user so the developer/advertiser can measure
22 the effectiveness of the ad campaign. *See id.* (discussing how to track conversions with Firebase
23 and third-party providers such as AppsFlyer and Kochava).

24 Google tracks app campaign ad spend that is bid against different types of conversions. As
25 of last month, approximately 55% of app campaign ad revenue was attributable to conversion
26 types bid against GA4F (as opposed to other sources of conversions). Before [REDACTED], which
27 launched in approximately 1H 2019, this percentage was significantly lower—approximately 6% or
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less. By October 31, 2019, this percentage was 10.6%. By October 21, 2020, it was 29.4%. By October 1, 2021, it was 49.4%. By October 1, 2022, it was 54.9%.

To pinpoint the proportion of attributed GA4F conversion events that are triggered when the user making the conversion has sWAA turned off during the class period is virtually if not actually impossible. Google has identified no method to do this. However, Plaintiffs have requested that Google provide estimates of how much GA4F traffic in general is “WAA-off traffic.” This is likewise not possible to tell with historical data because WAA status is not logged alongside pseudonymous GA4F app measurement data. Plaintiffs also requested other indicators of how much internet traffic is WAA-off traffic. To that end, Google identified a log called sampledAdEventsQueries that indicates WAA and sWAA status alongside ad interactions, e.g., views and clicks, on App Campaigns designated app-install campaigns. Google queried this data source, which maintains ad interaction information with varying degrees of reliability, going back to the launch of GA4F, for the WAA opt-out rates on 25 random days over the last five years.

These are the results of that query:

ACi WAA Opt-out (SampledAdEventsQueries) – Impressions			
Date	WAA Opt-out Rate on Google Search Advertising Stack	WAA Opt-out Rate on Google Display Advertising Stack	WAA Opt-out Rate on YouTube Advertising Stack
2016-04-18	13.73%	null	null
2016-05-16	13.28%	null	null
2016-08-31	12.94%	null	null
2016-09-24	11.87%	null	null
2016-10-30	100.00%	null	null
2017-04-13	5.58%	null	null
2017-05-26	5.59%	null	null
2017-07-31	5.56%	null	null
2017-08-03	5.55%	null	null
2017-12-16	4.48%	null	null
2018-01-06	4.45%	null	null
2018-03-16	4.30%	null	null

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ACi WAA Opt-out (SampledAdEventsQueries) – Impressions			
Date	WAA Opt-out Rate on Google Search Advertising Stack	WAA Opt-out Rate on Google Display Advertising Stack	WAA Opt-out Rate on YouTube Advertising Stack
2018-08-13	4.25%	null	null
2018-09-15	4.20%	null	null
2018-12-27	3.67%	null	null
2019-02-01	3.42%	null	null
2019-05-12	4.62%	null	null
2019-10-06	4.43%	null	null
2019-11-11	4.71%	null	null
2019-12-01	4.20%	null	null
2020-03-03	9.04%	null	null
2020-07-30	14.25%	null	null
2020-08-13	14.60%	null	null
2020-11-30	null	null	null
2020-12-13	null	null	null
2021-01-07	null	null	null
2021-02-17	null	null	null
2021-05-19	null	null	null
2021-09-19	null	null	null
2021-10-03	null	null	null
2022-03-15	null	1.63%	1.36%
2022-04-21	null	1.60%	2.65%
2022-05-11	null	1.57%	2.62%

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ACi WAA Opt-out (SampledAdEventsQueries) – Clicks			
Date	WAA Opt-out Rate on Google Search Advertising Stack	WAA Opt-out Rate on Google Display Advertising Stack	WAA Opt-out Rate on YouTube Advertising Stack
2019-05-12	3.91%	null	null
2019-10-06	3.44%	null	null
2019-11-11	4.11%	null	null
2019-12-01	3.42%	null	null
2020-03-03	6.05%	null	null
2020-07-30	10.23%	null	null
2020-08-13	9.55%	null	null
2020-11-30	null	null	null
2020-12-13	null	null	null
2021-01-07	null	null	null
2021-02-17	null	null	null
2021-05-19	null	null	null
2021-09-19	null	null	null
2021-10-03	null	null	null
2022-03-15	null	0.73%	0.47%
2022-04-21	null	0.64%	0.98%
2022-05-11	null	0.66%	1.14%

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Finally, Google’s overall App Campaign profit and loss statements were produced at GOOG-RDGZ-00184247 (2017-2020) and GOOG-RDGZ-00185744 (2021). Google’s operating profit for App Promo ads for years 2017-2021 was as follows:

- 2017: \$94 Million
- 2018: \$207 Million
- 2019: \$310 Million
- 2020: \$521 Million
- 2021: \$1,134 Million

Dated: November 1, 2022

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